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CENTRAL INTELLIGENCE AGENCY REGULATION

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1. Personnel Policies

H. Separation

(1) It is the policy of the Central Intelligence Agency to retain competent personnel on the basis of merit without discrimination regarding favoritism, marital status, sex, race, color, religion, or external pressure. Since there are varying circumstances requiring separation action, the development and implementation of this general policy is conditioned upon the type of separation action being taken.*

* Detailed statements of policy and procedure for each type of separation action will be published at later dates.

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(2) Reduction in force

It is the policy of the Central Intelligence Agency to endeavor to establish conditions conducive to stable employment. If, however, it becomes necessary to reduce the staff, it is the policy to conduct the reduction in a manner fair and equitable to all personnel concerned, subject to the mandatory requirements of the Veterans' Preference Act of 1944, as amended.

(3) Termination "in the interests of national security"

Termination when necessary or advisable "in the interests of national security" under the provisions of sub-paragraph (c), Section 102, National Security Act of 1947 is provided for in CIA Regulation [REDACTED]

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Termination as a result of security violation as provided in CIA Regulation [REDACTED] will be processed as separation "in the interests of national security."

(4) Separation as a result of unfavorable determination by the Loyalty

Review Board is provided for in CIA Regulation [REDACTED]

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(5) Separation for unsatisfactory performance

(a) Policy

It is essential that each member of the Agency contribute his full share toward the accomplishment of the Agency's mission. Prompt action must be taken to release those individuals who are undesirable or whose performance is unsatisfactory when there is no reasonable prospect of bringing about adequate improvement through less drastic administrative or supervisory action.

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Personnel who have completed the probationary period will not be separated involuntarily (except for reduction in force, security reasons, for cause--misconduct, delinquency, etc.) unless there is a prior notice informing the person concerned in what respect his services were unsatisfactory and unless he has been given a reasonable opportunity to improve or to correct objectionable traits.

Personnel need assurance against adverse action based on arbitrary, uninformed decisions. Each member of the Agency represents a sizable investment in time, money and human effort. Therefore, it is important that personnel be carefully evaluated in order to eliminate those who manifest an inability to meet requirements.

b. Responsibilities and Authorities

(1) Supervisory Responsibility

Supervisors bear primary responsibility for determining the adequacy of performance and conduct of personnel under their supervision and for initiating corrective action where necessary. Such corrective action may be in the form of closer supervision, on-the-job training, admonitions or warnings and reprimands. There may be some instances in which a conscientious worker is in a job beyond his actual or potential capacity. In such instances, the individual should be reassigned to duties commensurate with his skill. If reassignment is not practicable, he may be separated. When corrective action requires a personnel action, transfer, demotion, or

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separation, supervisors are responsible for recommending appropriate action to the Personnel Office, together with full supporting reasons. While the ultimate authority for taking personnel actions rests with the Personnel Office, this fact does not relieve the operating office of the responsibility for discipline and proper management of personnel.

(2) Personnel Office Responsibility

The Personnel Office is responsible for rendering advice and assistance at all supervisory levels on matters pertaining to personnel of the Agency, for reviewing proposals affecting individuals, and assuring that they conform to prescribed regulatory and procedural requirements and are not arbitrary and unreasonable, and for approving or recommending to higher authority final action to be taken. In any instance in which adverse action is necessary, the Personnel Director or his designee will, with the assistance of the supervisor, prepare the advance notice or statement of charges for the supervisor's signature and will bear joint responsibility with the supervisor in determining the adequacy of any answer by the individual affected as to why a proposed action should not be taken.

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Procedure for Separation for Unsatisfactory Performance

A. Procedures for Separation during Probationary Period

The probationary or trial period should be fully utilized as a final examining and weeding out period to determine the capacity of new personnel. Performance evaluations prepared during the probationary period should show in detail the individual's performance, progress and growth potential. The Personnel Director or his designee will review such evaluation reports and, when an individual's performance is not satisfactory, take immediate action with the supervisor to work out a remedial program for the individual or to reassign or separate him. Separation action may be taken upon two week's advance notice in writing by the Personnel Office of such action. Probationary employees do not have the right of appeal on such actions.

B. Procedure for Separation subsequent to Probationary Period

1. Supervisor's Recommendation

When the supervisor's efforts to bring about a more satisfactory performance by the individual are unavailing, and less drastic action is not possible or desirable, the supervisor will initiate separation action. He will take such action, however, only after he has notified the employee in writing wherein he has failed to perform adequately and has given the employee a reasonable time in which to demonstrate his ability to perform satisfactorily.

The supervisor's recommendation for separation action shall contain pertinent facts concerning the individual's unsatisfactory performance with a statement summarizing supervisory efforts to bring about improvements.

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(2) Personnel Office Action on Recommendation

Upon receipt of such a recommendation, the Personnel Director or his designee will conduct a review to develop any additional facts pertinent to an appropriate decision.

(3) Processing the Separation Action

If the Personnel Director or his designee determines that separation action is appropriate or that demotion or other less drastic administrative action should be taken, it will prepare for signature by the appropriate supervisor a notice to the individual affected of the proposed action. This notice shall contain the following information:

- (a) A statement of the action proposed as well as the effective date thereof (30 days from the individual's receipt of the letter).
- (b) A statement, specific and in detail, showing the reasons for the proposed action and including a review of the administrative and supervisory actions which have been taken to correct the situation.
- (c) A statement informing the individual that if he wishes to reply he must do so within ten calendar days orally or in writing; that his reply will be given full consideration before a decision is reached; and that he will be notified of the decision within 10 days after his reply is received. In addition, he will be informed that he may present his answer orally before an advisory committee.

(4) Presentation of Individual's Reply before an Advisory Committee

The Personnel Office will promptly arrange for presentation of an oral reply to an advisory committee upon the individual's request.

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(a) Membership of Advisory Committee

The Assistant Director (Personnel) will appoint a committee of three responsible and impartial Central Intelligence Agency officials who are not members of the Office to which the individual is assigned. The Personnel Director or his designated representative will serve as non-voting chairman.

(b) Assistance to the Committee

The committee may secure the technical advice and guidance of appropriate specialists.

(c) Witnesses

The individual has the right of requesting the appearance of other Agency employees before the committee to assist in supporting his reply.

(5) Final Action

After considering the individual's reply and the recommendations of the advisory committee, if applicable, the Office concerned will recommend action to the Personnel Director or his designee who will make the final decision as to the action to be taken.

The Personnel Office will notify the individual in writing, giving the reasons for the decision and stating, if applicable, the effective date of the action.

(6) Appeal to the U. S. Civil Service Commission

If adverse action is to be taken on an individual eligible for preference under the Veteran's Preference Act his final notice will include a statement informing him of his right to appeal to the U. S. Civil Service Commission within ten calendar days of receipt of such notice.